

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHEM-PRUF DOOR CO. LTD.,	:	CIVIL ACTION NO. 04-5808 (MLC)
	:	
Plaintiff,	:	MEMORANDUM OPINION
	:	
v.	:	
	:	
REYNARD BUILDING GROUP, INC.,	:	
et al.,	:	
	:	
Defendants.	:	
_____	:	

THIS MATTER ARISING on the Court's order to show cause why the complaint should not be dismissed for (1) failure to comply with Federal Rule of Civil Procedure ("Rule") 4(m), or (2) lack of prosecution under Local Civil Rule 41.1(a) and Rule 41(b) (4-5-05 Ord. to Show Cause); and it appearing the plaintiff has failed to serve the summons and complaint on the defendants within 120 days after filing the complaint; and the Court advising that the complaint would be dismissed unless the plaintiff (1) showed good cause for this failure or (2) established that service was effected within the 120-day period, see Fed.R.Civ.P. 4(m); and

IT APPEARING FURTHER, in any event, the action has been pending for more than 120 days without the plaintiff having taken any proceedings; and the Court advising that the complaint would be dismissed unless good cause was shown for the lack of prosecution, see L.Civ.R. 41.1(a), see also Fed.R.Civ.P. 41(b) (stating complaint may be dismissed for failure to prosecute);

and the Court being authorized to impose harsh penalties when enforcing the Local Civil Rules, see Kabacinski v. Bostrom Seating, No. 03-1986, 2004 WL 628867, at *3 n.3 (3d Cir. Mar. 30, 2004), United States v. 11 Vehs., Their Equip. & Accessories, 200 F.3d 203, 214 (3d Cir. 2000); and

THE PLAINTIFF FAILING to respond to the Court's inquiry; and thus the Court intending to dismiss the complaint; and good cause appearing, the Court will issue an appropriate order and judgment.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge